#8/1774

BOX AF
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gustavo R. Paz-Pujalt, et al.

RECEIVER HAVING HYDROPHILIC RECEIVING SURFACE

Serial No. US 09/131,710

Filed 10 August 1998

Group Art Unit: 1774

Examiner: M. Grendzynski

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

Date

AMENDMENT AFTER FINAL

Commissioner for Patents
Washington, DC. 20231
BOX: AF

Sir:

Reconsideration and allowance are requested in view of the following remarks.

The invention claims a structure not shown in Figure 1 of Bodager. Assume for the sake of analysis that Bodager has a three-layered structure. Even so, the order of the structure in the claims is different from the order shown in Bodager.

Claim 1 calls for the support on the bottom, the image (ink) receiving layer in the middle, and the hydrophilic (water absorbing) layer on the top. In that way, an image in the middle layer may receive a second, inked image on top of the first. Bodager's structure is different. Bodager's puts its hydrophilic (water absorbing) layer in the middle, between the support (bottom) and an ink-receiving layer (top).

The order of the top two layers is contrary to the claimed order. The claims call for support/ink receiving/hydrophilic; Bodager's structure is support/hydrophilic/ink receiving.

Assume further that the broad definition of "recorded information" adopted by the rejection is correct. Even so, the middle or hydrophilic layer in Bodager does not record information. To record is to cause something to register on something else. In Bodager, no pigment (color) penetrates to the middle layer. The rejection states that ink need not be colored to be readable by the human eye or by an instrument. Applicants traverse that finding of fact and require the Examiner to provide a reference to support his finding. Ink is commonly defined as a **colored** liquid used for writing or printing. Ink without color is not ink. The substance that passes into the middle layer of Bodager is not ink. It contains water and other compositions, but the pigment is captured in the top layer. Indeed, Bodager's top layer acts as a filter that removes the pigment from the ink and passes the ink's water to the middle layer for subsequent disposal.

Perhaps the rejection alludes to "invisible ink." But even if it does, such ink is only valuable because it can be made visible (colored) by heating or by treatment with another substance. Bodager does not show or describe such "invisible inks."

The rejection reasons that the water in the middle layer alters the optical characteristics of the middle layer and this is sufficient to qualify as "recorded information." Applicants disagree.

Water may enter the middle layer, but there is no disclosure that the water endures or otherwise permanently alters the middle layer. Water normally evaporates and with evaporation one skilled in the art would expect that the middle layer would recover its original optical properties. Any alteration of the optical properties of the middle layer is likewise transient.

Applicants traverse the finding that liquid residue from the ink alters optical properties of the middle layer. The rejection fails to identify the optical properties that are altered. Bodager makes no mention of any altered optical properties. Absent

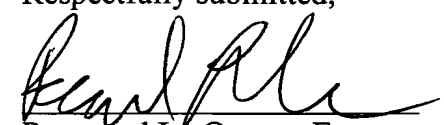
a showing that the reference teaches altered optical properties, the rejection is deficient and must be withdrawn. If the rejection is maintained, Applicants request the Examiner identify the optical properties that are altered. At present, without knowing what optical properties the rejections refers to, it is impossible to provide an informed response to the rejection.

Bodager does not show or suggest a hydrophilic layer that holds information. Bodager assigns different functions of the top and middle layers. The top layer "holds" pigment in place so that a viewer may perceive the image. The reference states the top "layer **holds** the image formed by pigment....(emphasis added)" Col. 4, lines 36,37. The middle layer holds the water, not an image.

Bodager has no disclosure that its middle layer "holds" information. In Column 4, lines 1 – 20 it lists numerous compounds that may comprise the middle layer. All of those compounds are designed to absorb water. Bodager's middle layer is, in effect, a water sponge and Bodager recommends super absorbent materials for the middle layer. See Col. 4, lines 14-20. A sponge does not "hold" water in place. Any structure of the liquid (water and other materials) that passes to the middle layer will be dispersed in the super absorbent materials of middle layer just like water is dispersed in a sponge. Any "information" in the structure of the pigment-less liquid will be lost and is not "recorded information."

In summary, Bodager does not provide the order of the structure recited in the claims and does not show or suggest the claims order. Bodager does not have two layers that each hold images. The claims as presented are thus distinguished from the art of record and the applications is otherwise in a condition for allowance.

Respectfully submitted,



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